

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CORTLAND LINE HOLDINGS LLC and
JOHN WILSON

Plaintiffs,

Index No. 5:18-cv-307 (TJM/DEP)

vs.

JASON LIEVERST,

Defendant.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant, Jason Lieverst ("Removing Party"), by the undersigned attorney, submits this Notice of Removal and states as follows:

1. Upon information and belief, on or about February 15, 2018, the above-captioned action was commenced against the Removing Party in the Supreme Court of the State of New York, County of Cortland, and is now pending.

2. The Supreme Court, County of Cortland in Cortland, New York, embraces the place where the above-captioned action is pending.

3. On or about March 5, 2018, Removing Party received the following documents in connection with this action at his residence located at 2007 102nd PL SE Bellevue WA 98004: a) Amended Summons and Verified Complaint together with Exhibits "A" through "K" attached thereto; b) Affidavit of

Christopher J. Harrigan, Esq. together with the exhibit attached thereto; c)

Memorandum Of Law in Support Of Plaintiffs' Motion For Temporary Restraining Order, Preliminary Injunction and Related Relief and; d) Order To Show Cause With Temporary Restraining in the above-captioned action.

Copies of these documents are attached hereto as Exhibits "A" through "D."

4. Along with the Summons and Complaint, Removing Party received a copy of an **ex parte** Order to Show Cause with temporary restraining order (the "OTSC") signed by Judge Jeffrey Tait, returnable on March 28, 2018 at 2:30 p.m. before the Supreme Court, County of Cortland. A copy of the OTSC and supporting papers are attached hereto as Exhibits "A" through "D".

5. The OTSC provides in relevant part as follows:

ORDERED, that pending the determination of Plaintiff's motion, Defendant and all other persons acting in concert therewith, are enjoined and restrained from:

1. Utilizing or disseminating Cortland Line's confidential and proprietary business documents and information, including, but not limited to, any emails, books, records, data, reports, correspondence, customer or vendor information, client or prospect lists, referral lists, or other confidential business and proprietary documents or information of any kind, in written or electronic form, belonging to Cortland Line;
2. Directly or indirectly engaging in any business with customers and vendors with whom Defendant did business while employed by Cortland Line;
3. Directly or indirectly using knowledge gained while employed by Cortland Line to solicit, divert or accept business from any customers or vendors of Cortland Line;
4. Destroying, deleting, altering or removing any computer files or documents or other property that belongs to Cortland Line or any customers or vendors of Cortland Line; and

5. Destroying, deleting, altering or removing any computer files, records, communications or information which relate to Defendant's communications with or to any of Cortland Line's customers or vendors, or to the claims set forth in the Verified Complaint in this action;

6. Upon information and belief, no other parties have been joined and served as defendants in the above-captioned action.

7. Exhibits "A" through "D" attached hereto constitute all process, pleadings, and orders served upon the Removing Party in the above-captioned action.

8. The above-captioned action is a civil action seeking declaratory judgment, injunctive relief, money damages among other causes of action, brought in a State Court of which the District Courts of the United States have original jurisdiction pursuant to 28 U.S.C. § 1332.

9. At the time Plaintiffs commenced this action in State Court and at the time of removal, the Removing Party was a citizen of the Netherlands and domiciled in the State of Washington.

10. Upon information and belief, at the time Plaintiff, Cortland Line Holdings LLC, commenced this action in State Court and at the time of removal, it was and is a New York resident with its principal office located at 3766 Kellogg Road, Cortland, New York 13045.

11. Upon information and belief, at the time Plaintiff, John Wilson, commenced this action in State Court and at the time of removal, he was and is a New York resident residing at 3726 Kellogg Road, Cortland, New York 13045.

12. Complete diversity of citizenship exists as between Plaintiffs and Defendant.

13. Upon information and belief, the value of the claims asserted by Plaintiffs together with counterclaims that will be asserted by Defendant exceeds

\$75,000, exclusive of interest and costs. Accordingly, the amount in controversy exceeds the jurisdictional minimum of this Court.

14. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure, and is filed with this Court within thirty (30) days after receipt by the Removing Party of the Amended Summons and Verified Complaint, OTSC, the affidavit of Christopher J. Harrigan, Esq. and the Memorandum Of Law in Support Of Plaintiffs' Motion For Temporary Restraining Order, Preliminary Injunction and Related Relief in the above-captioned action.

15. Written notice of filing of this Notice of Removal will be given to Plaintiffs.

16. As required by 28 U.S.C. § 1446(d), notice of removal is simultaneously being transmitted to the appropriate State Court to be filed. A copy of the state court notice is attached hereto as Exhibit "E".

17. In filing this Notice of Removal, the Removing Party does not waive any defense that may be available to him, including any defenses with regard to the sufficiency of service or the jurisdiction of this Court over the defendant.

WHEREFORE, the Removing Party prays that the action now proceeding against him be removed from the Supreme Court of the State of New York, County of Cortland, to this Court.

Dated: March 9, 2018

Respectfully submitted,

/s/Chaim J. Jaffe

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